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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,667	01/29/2001	Masaaki Kobayashi	35.C15084	7042
5514	7590	10/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SONG, HOON K	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/770,667	KOBAYASHI, MASAAKI
	Examiner	Art Unit
	Hoon Song	2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 August 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5,7,9,13,14,16-18,20-22,24-27 and 32-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-5,7,9,13,14,16-18,20-22,24,25 and 32-35 is/are allowed.  
 6) Claim(s) 26 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

The indicated allowability of claims 26-27 is withdrawn in view of the newly discovered reference(s) to Heimbrock et al. (US 5996149). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Heimbrock et al. (US 5996149).

Regarding claim 26, Heimbrock teaches a radiographic apparatus comprising:  
a top plate (24) for supporting a subject and being movable in a horizontal direction (14);  
an image receiver (32) for receiving a radiographic image of the subject;  
a moving mechanism (figure 8) for varying a position in the horizontal direction relative to said top plate (24) and posture (figure 12) of said image receiver; and  
a shock absorbing member (26 or 28) for avoiding direct collision of said top plate (24) and said image receiver (32) which is not in a horizontal posture.

Regarding claim 27, Heimbrock teaches a radiographic apparatus comprising:

a top plate (24) for supporting a subject and being movable in a horizontal direction (14);  
an image receiver (32) for receiving a radiographic image of the subject; and  
a moving mechanism (figure 8, 12) for varying a position in the horizontal direction relative to said top plate and posture of said image receiver (32);  
wherein said moving mechanism includes a locking mechanism (152) for preventing said image receiver (32) from moving in the horizontal direction in a case that said top plate (24) is positioned within a predetermined range in the horizontal direction and said image receiver is not in a horizontal posture (figure 12).

***Allowable Subject Matter***

Claims 1-5, 7, 9, 13-14, 16-18, 20-22, 24-25 and 32-35 are allowed over prior art.

The following is an examiner's statement of reasons for allowance:

None of the prior art teaches a radiographic apparatus having a detector for detecting a position and/or posture of an image receiver and a limiting unit for limiting vertical movement of the image receiver based on a detection result of the detector as claimed in independent claims 1 and 32.

None of the prior art teaches a radiographic apparatus having a detector for detecting an obstacle present under an image receiver and a limiting unit for limiting of vertical movement of the image receiver based on a detection result of the detector as claimed in independent claims 9 and 33.

None of the prior art teaches a radiographic apparatus having a detector for detecting a position and/or posture of an image receiver and a limiting unit for limiting

horizontal movement of a top plate based on a detection result of the detector as claimed in independent claims 14 and 34.

None of the prior art teaches a radiographic apparatus having a detector for detecting a position of a top plate and a limiting unit for limiting change in the posture of an image receiver based on a detection result of the detector as claimed in independent claims 18 and 35.

None of the prior art teaches a radiographic apparatus having a first detector for detecting a posture of an image receiver, a second detector for detecting a position of a top plate and a limiting unit for limiting movement of the top plate in a direction based on detection result of the first and second detectors as claimed in independent claim 22.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID V. BRUCE  
PRIMARY EXAMINER

HKS

10/24/04

HKS